

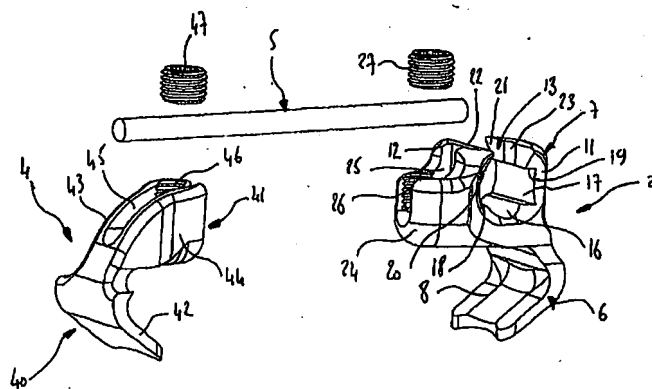
REMARKS/ARGUMENTS

Claim 14 is pending. Claims 1-4, 7, and 9 are cancelled without prejudice. Claims 5, 6, 8 and 10-13 are withdrawn pursuant to a previous restriction requirement. Claim 14 is new.

By the present Notice, the Examiner requested Applicants to discuss new claim 14 in regards to the rejections of the previously pending claims.

In the prior Office Action, claim 1 was rejected as anticipated by Viart et al. (WO 00/16710) and claims 2-4 and 7-9 were rejected as obvious over Viart et al. in view of Rokegem (US Pat. 5,630,817).

New claim 14 relates to the embodiment shown in Figs. 1-3 of the application, and requires, among other things, a first pedicular hook including a prolongation including an elongated recess opening outwardly of the prolongation and configured for receiving an end of a transverse rod and including a threaded portion for coacting with a pressure screw for securing the end of the transverse rod within the recess; and a second pedicular hook including an open body configured for receiving and securing a portion of the transverse rod, with the secured transverse rod maintaining compression of the first and second pedicular hooks in the direction of the center of the vertebra:



The cited references have no structure corresponding to at least the claimed structure noted in underlining above relating to the prolongation having the elongated recess opening and the open body, each configured for receiving the transverse rod.

The noted structure advantageously enables installation of the hooks in a manner that maintains compression of the hooks in the direction of the center of the vertebra on which the

hooks are installed. That is, the hooks are first installed, then the transverse rod is installed (from the top) within the prolongation and elongated recess of the hooks. The hooks are urged toward one another while the transverse rod is secured within the prolongation and recess to maintain the hooks in compression. The claimed structure enables this by providing structure which enables installation of the transverse rod post installation of the hooks.

This is not achieved or possible with the cited art. For example, the structure of Viart utilizes elastic properties of two welded transverse rods and the side-loading structure thereof, as opposed to the claimed structure which enables top-loading) requires advance installation and bending of the rods.

Reconsideration and issuance of a Notice of Allowance is requested. In the event this response is not timely filed, Applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

Respectfully submitted,

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